

HOUSE BILL 3728

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 8;  
Title 40 and Title 67, relative to fines, costs and  
litigation taxes in criminal cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-24-105, is amended by deleting the following language from subsection (c):

If the district attorney general and the criminal or general sessions court clerk cannot agree upon who collects the fines, costs and litigation taxes, the presiding judge of the judicial district or a general sessions judge shall make the decision. The district attorney general or criminal or general sessions court clerk may retain up to fifty percent (50%) of the fines, costs and litigation taxes to defray the costs of collection, or if an in-house collection procedure is established, the proceeds shall be treated as other fees of the office. The district attorney general and the clerk shall have the costs of collection under this chapter defrayed for all fines, costs, and litigation taxes collected after they are in default. When moneys are paid into court, the allocation formula outlined in subsection (a) shall be followed, except up to fifty percent (50%) may be withheld for these collection costs, with the remainder being allocated according to the formula.

and substituting instead the following:

If the district attorney general and the criminal or general sessions court clerk cannot agree upon who collects the fines, costs and litigation taxes, the presiding judge of the judicial district or a general sessions judge shall make the decision. The district attorney general or criminal or general sessions court clerk may

retain up to forty percent (40%) of the fines, costs and litigation taxes to defray the costs of collection, or if an in-house collection procedure is established, the proceeds shall be treated as other fees of the office. When moneys are paid into court, the allocation formula outlined in subsection (a) shall be followed, except up to forty percent (40%) may be withheld for these collection costs, with the remainder being allocated according to the formula.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.